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November 15, 2023

**VIA ECF**

The Honorable Andrew L. Carter, Jr., U.S.D.J.  
United States District Judge  
United States District Court for the Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

**Re: *United States of America v. Valeria Ruth HaCohen,***  
**Case No. 1:20-cr-00648-ALC**

Dear Judge Carter:

We represent the defendant, Valeria Ruth HaCohen, in the above-referenced matter. By Endorsed Order entered on July 19, 2023, the Court granted Ms. HaCohen's application for a modification of the conditions of her bail. ECF 107. The approved modification eased certain restrictions on Ms. HaCohen's company, Motek Industries — a seller and distributor of electronics components and production materials — by permitting it to make shipments to Asia for its existing customers without seeking leave of Court.

Under the process approved by the Court, Ms. HaCohen must send documentation for each proposed shipment to an email chain that includes the Assistant United States Attorneys ("AUSAs") and Department of Commerce agents responsible for this matter, who are to promptly process and respond to each request. If approved, Motek may fulfill the shipment without making a separate application to the Court.

In accordance with the new process, the undersigned began submitting requests and supporting documentation for permission to fulfill shipments starting in August 2023. At first, the process was working. Then, we stopped receiving responses from the Government.

Specifically, on October 24, 2023, we submitted a request for a shipment to Chen-Tech Challenge Ltd. ("Chen Tech") in Hong Kong. Exhibit A. On October 27, 2023, we submitted a request for a shipment to Flextronics Technologies (I) Pvt ("Flextronics") in India. Exhibit B. On October 31, 2023, we submitted a request for an additional shipment to Chen Tech in Hong Kong. Exhibit C. We did not receive responses to these requests. On October 31, 2023,

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November 6, 2023, November 10, 2023, and November 13, 2023, we followed up with the Government requesting an update. After numerous phone calls and emails to the Government, however, we still have no response.

Ms. HaCohen agreed to fulfill these shipments based on the Court's Order and the Government's agreement to promptly review and approve requests. Motek's inability to fulfill these shipments in a timely manner is straining its relationships with some of its longest-standing clients and further jeopardizing its ability to do business, that has already been significantly and irreversibly harmed by years of litigation.

The system approved by this Court for seeking approval for shipments was designed to streamline the process, mitigating the disruption to Motek's ability to do business while avoiding the need to burden the Court with repeated applications. It appears that the system is not working. Motek has been waiting several weeks for permission to fulfil orders, leaving Motek and its clients in limbo. Clearly, the requests are creating a burden for the AUSAs and agents, and we are mindful that they have enough on their plates without the need to effectuate this novel system of approval. Ms. HaCohen has also been forced to seek relief from the Court anyway, the outcome this process was intended to avoid.

Accordingly, we write to request a modification of the conditions of Ms. HaCohen's bail to grant blanket approval for Motek to fulfill shipments to China, Singapore, and India for Chen Tech, Flextronics, and KLA-Tencor (Singapore) Pte, without leave of Court or advance permission from the Government.

The Court and the Government have permitted several shipments throughout the course of this action, including to these specific entities. Each shipment has been fulfilled without incident. This demonstrates that Ms. HaCohen's bail conditions are more restrictive than necessary to ensure her return to court and protect public safety. Further, Ms. HaCohen already sends a compliance report of all shipments made at the end of each week to the Government. This ensures a level of continued oversight regarding Motek's business, even without the need for advance approval.

We ask that the Court recall that the conditions of release imposed upon Ms. HaCohen do not merely impact Ms. HaCohen, but also Motek and its employees, Ms. HaCohen's family, and her community. However, we are asking for a common-sense bail modification to help Motek operate its business so that, when this is finally over, Ms. HaCohen will still have a viable company to run and she will be able to resume living her life.

Additionally, on November 10, 2023, Motek received a new purchase order from Chen Tech for a shipment to Hong Kong. Exhibit D. While this application for bail modification is pending, we respectfully request that the Court approve this new purchase order as well as the other three orders (Exhibits A-C) so Motek can fulfill them without delay.

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On November 13, 2023, we notified the AUSAs of our intention to file this application and requested the Government's position. We did not receive a response.

We are most grateful for the Court's consideration of this request and are available to answer any questions or discuss this matter with the Court in further detail.

Respectfully submitted,

/s/ Ernest Edward Badway  
Ernest Edward Badway

cc: Michael D. Lockard, Esq. (via ECF)  
Matthew J.C. Hellman, Esq. (via ECF)

The application is **GRANTED**.  
So Ordered.

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", is written over the text "So Ordered."

12/13/23